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Executive office
September 12th 1824

Sir

In answer to your letter stating the deficit of the land Digests for Decatur County; You will please to apply to the Agent for the requisite number out of those left for sale and your receipt to him will be a good voucher for that number in his hands

I am respectfully
Your most ob't
Israel Pickens

Joseph W. Eaton Esq.
Judge County Court
Decatur County

State of Alabama,
Department of State
Cahawba Sept. 17th 1824

Sir

I am directed by the Governor to acknowledge the receipt of three Copies of the Journals of the Senate of the U. States, of the last session of Congress. —

I have the honor to be,
with great respect,
Your most ob't Serv't —
D. C. Pleasants
Secretary of State

Jn°. G. McDonald Esq.
Secretary of the Senate
of the U. States

Department of State
Cahawba Sept. 20th 1824

Sir

Your letter of the 12th Aug. requesting Digests for the additional Justices of the Peace, created by the formation of a new Beat in Butler County, has been duly rec'd. In answer to which, I am directed by the Governor to request you to apply to the Agent for the requisite number out of those left for sale, for which your receipt to him will be a good voucher. —

I am very respectfully
Your most ob't Serv't —
D. C. Pleasants
Secretary of State

Nathan Cook Esq.
Judge County Court
Butler County

Executive Department of Alabama
Cahawba November 28th 1824

To His Excellency
The Big Warrior.
Principal Chief of the Creek Nation
Sir

It is with deep concern that I have lately been informed of an outrageous and cruel Murder Commited a few weeks ago in the County of Montgomery in this State on the person and family of an old man named — White. The old man and a woman being barbarously butchered & his house set on fire.

Several circumstances very strongly induce to the belief that this horrid act was Commited by Creek Indians. Some of this old man's papers were found together with an Indian Gun stick several miles over the line within the Indian Territory. It also appears that a Suit at law is pending in Montgomery County wherein some of your people have an interest & in which this old man was a material witness, and that threats has been made by them, or some of them against his life. Although a momentary satisfaction fell on a white man in the same neighborhood his innocence was made satisfactorily to appear in examination.

This unprovoked outrage leaves me no other alternative as the Executive Magistrate of Alabama than to demand of you, that the perpetrators be forthwith sought after, and delivered up to the Civil authorities of this State in the County of Montgomery for justice; with such evidence as will shew them to be the guilty persons.

It will not be sufficient that an indiscriminate punishment be inflicted on any of your people; - much less will we admit of the sacrifice of the innocent to atone for the guilty. The transaction occurred in your neighborhood, & almost under your own eye: You have & am well convinced the means of detecting the guilty, and of delivering them up. Unless therefore a satisfactory account is speedily rendered, it will be considered as an act of War on the part of the authorities of your nation and will be repelled as such.

I am with high consideration &c.
Israel Pickens

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Executive Department
Cahawba Alabama Nov 30th 1824

John Crowell Esqr.
Agent &c

Sir

It is with some concern that I am obliged to complain to you of the conduct of the Chief of the Creek nation or some of his adherents. A man named Enoch White living in Montgomery County in this State within a mile of the line was found murdered at his own house a few weeks ago, a woman was also at the same time murdered & as it is said her infant child. The two latter being burnt up together with the house, the old man being dragged out while the house was on fire. Some of the old mans papers were found on the Indian side some distance with an Indian Spear stuck. No person was present that survived to be a witness. Suspicion at first fell on a near neighbour who on examination is found to be innocent. The circumstances most strongly leading to a belief that some of the Black Warriors people committed this cruel act, are that this old man was a material witness in a law suit pending in Montgomery Court for some negro property in which the Chief himself and some of his connexions were parties or very deeply interested, and it is asserted & is believed to be capable of proof, that the Warrior had used threats against his life, & also the papers since found in that direction which are now in possession of the old mans representatives. The Warrior to make some satisfaction had arrested an Indian against whom he had an enmity & endeavored to extort from him some acknowledgement implicating some white person as the perpetrator of the murder. This Indian would have been executed for his firmness in maintaining his integrity, but made his escape & is now in protection in the white settlement where he fled. The information I communicate is from Col Blackburn & Mr Abercrombey of Montgomery. Another part of this I the more regret that I feel bound to embrace in this letter to you is, That Mr Walker assistant agent is thought had of in relation to this transaction particularly in the arrest of this innocent Indian & also in the appropriation to himself of a quantity of negro property unjustly in regard to which the suit alluded to is pending. I hope Mr Walker may be innocent of blame. I am very unwilling

how easy it is to infer suspicion of guilt, from the circumstance of his connexion with the family of the Chief & his interest in a law suit - which is hostilly a very unpopular one in that quarter, but I felt it due both to yourself & to the publick that I should make this communication to you.

Enclosed herewith I send you a copy of a communication sent by the Warrior that you may know the manner in which I have appealed to him & the better judge of what measures may be proper on your part.

One thing I apprehend is that some innocent person may be sacrificed to operate as a relief.

I am with high consideration &c
your most Obt
Israel Pickens

Executive Department
Cahawba December 13th 1824

To the Hon W A King.
Dear Sir

Not having received any letter from you since your letter dated 1st October in New York, I am doubtful whether mine directed to you at Wrightsville N.C. has been received. In that I requested of you a report stating the names numbers & amounts of each of the Certificates of Stock issued by you in New York, as fully as to enable us to make out a complete register of them, & to open accounts in relation to the Stock. You will perceive how necessary this is to the keeping of perfect records of the Stock accounts. You will remember that some blanks were furnished you to be filled as copies. - Here I would through caution suggest, that if there remains in your hands any surplus certificates signed by the Commissioners, not issued, it may be prudent to prevent the possibility of any such accident as that of their falling into any unauthorized hands, by destroying or concelling them.

You will also please to transmit a statement of the expenditure generally, as well as the personal expenses of your agency. That I may have the opportunity of providing a remuneration for the latter description and of making an exhibit of the former.

It is unnecessary that I should repeat the perfect satisfaction, which your proceedings have given myself & the other commissioners; I have it now in my power to make known to you that the Legislature & every intelligent citizen who have made any expression on the subject concur in the approbations of the prudent & satisfactory course you have observed in your agency.

I am with the highest respect & confidence your most Obt
Israel Pickens

P.S. The contemplated law authorizing transfers of stock & renewal of lost certificates thereof is in progress through the legislature. Nothing impedes its passage but the ordinary formalities of legislation. I shall send you a copy as soon as it passes.

J.P.

State of Alabama
Executive Department
Cahawba Dec. 25th 1824.

Major General La Fayette

Sir

In behalf of the State of Alabama, and in compliance with the unanimous Resolution of the Legislature thereof, I have the honor to invite you to favour the State with a visit, and to afford to its citizens the felicity of testifying to you personally the grateful respect which they feel for the most distinguished benefactor of the Republick now living.

I present you with the Legislative Resolve as the best expression of the wishes of that body, and of the feelings of their Constituents.

Never on any occasion of my life have I enjoyed so valued an honour as that now afforded me, of being the medium of communicating to you the sentiments of my fellow citizens.

Although this new State has only ranked as a very few years been admitted into the family of American Republics, and but recently indeed has the Territory it occupies emerged from a wilderness; Yet its inhabitants are the immediate descendants of your Companions in the great first struggle for liberty: And they are not insensible that most of the soil they inhabit, & the valued privileges they enjoy form a portion of the patrimonial inheritance thus delivered.

Altho' our infant institutions have not sufficiently matured to promise you that animating display of the monuments of the arts which you have witnessed with gratification in some of our Elder sister States; Yet of one truth I assure you that no where will the veteran friend of liberty and of man receive a more cordial and united welcome.

I have appointed our worthy fellow citizens Major

Gen. Thomas W. Farrar as a special delegate to wait on you, & who will understand your pleasure in relation to the subject of this address. He will also confer with you as to the most convenient time at which you may find it agreeable to honour our wishes.

I am Sir, with sentiments of veneration and respect

Your most Obedient
Humble Servt

Israel Pickens

Executive Office
December 25th 1824

General Thos. W. Farrar

Sir

In compliance with the annexed Resolve of our General Assembly, requesting me to give Genl. La Fayette a respectful invitation to become a guest of the State, I have thought it proper to nominate & request you as the delegate to call on that distinguished friend of our Country, as soon as you can make it convenient & practicable to wait him, and present him the letter of invitation & Legislative Resolution herewith accompanying. In this delegation you may in your discretion associate with you any respectable citizen who may be convenient or present when you may call on our proposed Guest.

You will understand the pleasure of the Executive in relation to this invitation and be the bearer of such message as he may communicate. You will also make all such arrangement as to the time and manner of the visit &c. as may be agreeable to them.

It will be necessary to have an understanding with the governor of the state of Georgia that the two States may act with concert in escorting him from the one to the other.

For this purpose I give you a letter to Governor Troup, & request you to confer with Him on that subject.

You will give me weekly at least intelligence of Gen Lowrey & proceedings and of such information as you may receive, in connexion with your mission.

I have the Honor to be very
respectfully Your Most Obedt
Israel Pickens

P. S. I need not add that the retirement of our guest

must of cours be included in this invitation and rev=
=vision will be made accordingly.

Executive office
Cahaba Alab. decemb 25. 1824

Sir

The legislature of this state has requested me to give to our ancient benefactor Genl. La Fayette an invi=
=tation to visit this state, and it is believed he will honor our wishes in his way from the Carolinas through Georgia to N. orleans.

I have requested Genl. Farrar who is the bearer of my invitation on the part of the state, to our pro=
=posed guest, to call on you & to request of you a conference on the subject of his reception on his way from Georgia to Alabama, and I will be thankful for your views as to the plan of the escort that the authorities of this state may receive from those of Georgia this distinguished per=
=sonage at or near the divisional point between the two states, which will necessarily require concert between the two states, as to the times when this reception shall take place.

I have made this communication under an understanding I have had that Your excellency on the part of the state of Georgia has given an invitation to Genl La Fayette.

I take the occasion of introducing to your acquaintance our worthy fellow citizen Genl Farrar - and I have great pleasure at the same time of giving you the assurance of my high consideration & respect

I am Your most obed
Israel Pickens

His Excellency
George M. Troup.

Department of State
Cahawba 1st Jan 1825

Sir

I have the honor, to enclose you, herewith a certificate of your election, as a senator to the Congress of the United States.

I have the honor to be &c
James J Thornton.
Secry of State

Hon. Henry Chambers

Executive Department
December 24th. 1824.

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Gentlemen.

The general Assembly have thought it due to the state as well as to the venerable patriot who is now emphatically the guest of the nation, to give them a respectful invitation to honour our State with a visit. I have in compliance with their unanimous joint Resolution sent an invitation by a special messenger, and have reason to expect the Gen-La Fayette will conform to our wishes, on his tour from the Atlantick southern States to Louisianna. We may most probably expect him late in January or early in March. According to the rout which I have proposed to recommend, he must will receive him at the State Line & conduct him to Montgomery, whence he will go and the time spending at Cahawba & Claiborne to Mobile, which last point I have considered as the most suitable for shewing him our principal honors.

I have deemed it necessary in order to make the reception of so distinguished a benefactor of our country & of mankind as peculiar to his merits & to the character of our State, to appoint a respectable committee of management at Mobile, who may make all the arrangements at that place according to their discretion and to this committee must also be entrusted all needful arrangements for furnishing one or more steam boats for passage from Montgomery downwards and at each of the towns named, a suitable command will also be appointed who may find it necessary to communicate with other branches of Mobile in order that all may act in concert, and possibly some assistance may be needed at each of those places from Mobile. I have thought it proper to request you Gentlemen, whose names are annexed to act as such committee on the part of the State, and to ask to be informed of your willingness to act & will also be very thankful for any suggestions you may think proper to make in relation to this subject. And I will give you the earliest intimation of further results & arrangements, that is designed to apprize you in time that when certain intelligence is received from our distinguished guest - there will be no surprise or delay in the preparations.

I have the honour to be respectfully
your most obt.
Israel. Pickens

46 Gentlemen of the Committe
of management

Messrs.
J. H. Gaston
Isaac Hale
Capt. Root
Capt. Easter
Gen. Everett
T. T. Hoff
Ph. M Clarke
Doct. Carthy
A. Gunnison
T. G Mastt
Chapn. Armstrong
Capt. J. F. Ross
B. Sims
Lan. W Moore
H. McKney
H. V. Chamberlain
Dr. Chevin
Dr Lane
W Pope
Col. B. Smith
Capt. W Barton
Col W King
Maj. Montgomery
Dr Webb
W H. Robinson.
The Governor
& Battles

Sir

Executive Department
Alabama, Cahawba Dec 24. 1824

In compliance with the request of the General Assembly of this State. I have the honour herewith to transmit to you a copy of a law passed at their session and to request your attention to the contents thereof. Should it meet the approbation of the publick authority of your State to cooperate in the establishment of the road proposed by the act, I will be happy to receive any communication from you excellency on the subject.

I am very respectfully
Your most Obt
Israel Pickens.

His Excellency
Walter Leake
Gov of Mississippi

Executive Department of the
State of Alabama
Cahawba December 27, 1824

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His Excellency

James Monroe President of the U. S.

Sir

I have the honour of communicating to you through the hands of the delegation in Congress from this State, the unanimous Resolution of the General Assembly expressive of the gratitude with they entertain of your enlightened administration, and of your long and useful Publick services, with their sincere wishes for your future welfare. I feel peculiarly happy in being the organ of communicating the sentiments of my fellow citizens of a coordinate department on this occasion when they are so entirely my own. I shall ever treasure with pride the able independent and upright discharge of a portion of your arduous Publick duties while occupying a station so exalted; & shall ever with which you have more recently contributed so much to the glory & happiness of our country: and I cordially unite in the sentiments of the Legislature as expressed on their Resolution for your future welfare tranquility & happiness.

I am with high consideration
your most Obt.
Israel Pickens.

Hon
Wm R King
Sir.

Executive Department
Cahawba December 27th 1824

I have the honor herewith to transmit the following documents conformably to the request of the General Assembly of this State, and to request your attention to the subjects to which they severally relate.

A Resolution in relation to certain objects of internal improvement within the State of Alabama.

An act for improving the navigation of the Port & harbour of Mobile. This act is to go into operation on the assent of Congress only.

A memorial on the subject of the claims of Col Samuel Dale,

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A Resolution respecting unsettled Land Claims below the 31st degree of N latitude & preemption rights.

On the subject of Col Dale's claims I refer you to our Secretary Calhoun to whom in 1821 I addressed a packet containing the accounts and vouchers relating to these claims to be delivered to the delegation in congress. On examination I presume the Secretary at war, can lay his hand on the packet. In as much as the packet was not sent for settlement, but to be kept subject to the call of the delegation it may probably be laid aside for this purpose. Your aid in obtaining for this veteran, some acknowledgement for his ardent & useful services while he daily approximated to the grave by this State.

I send a resolution of the Legislature approving of the administration & public services of our Venerable Chief Magistrate our Monroe, together with accompanying letter enclosing it. I request that you together with other members of the delegation from this State will please to wait on the President, and present him with the resolution & letter, in such manner as may appear to you most respectful

I have the honor to be very respectfully your most Obt

Isaac Pickens.

P.S. A copy of the above letter has been sent to all the delegation of this State

Executive Department
Cahawba, December 27. 1824

Thomas White Esqr. Atto-Genl

An act has passed at the late session entitled "an act" concerning the African Slaves, lately ordered to be sold by the District Court of the U States in this state: & for other purposes" The last section renders it my duty to advise & act in relation to the slaves of the contraband, which are reported to be subject to the order of restoration and are in and about Mobile in this State. I request of you a legal opinion as to the proper course to be pursued in relation to those slaves whether any and what proceedings may be instituted for claiming or prosecuting in relation to these slaves either regarding them as forfeits, or as free persons under the acts of con Gress. In relation to the slave trade you already know the

49 fication of the case very fully, & I refer you to Gen Person & Mr Gordon who attended it on behalf of the State at the late District Court.

I am respectfully &c
Isaac Pickens.

Executive Department
Cahawba March 1st 1825.

Major Gen. Taylor

Recollecting the proffer of your services to command the military escort to Chattooche I have now the pleasure to request your attention to that subject. Our guest may be presented at the line early in April: In the course of a mail or two the precise time may be expected to be known. Captain Woods of the Mounted Cavalry has proffered his services with his Corps. I do not wish this offer to preclude other volunteer cavalry troops; but I wish that a portion of that troop be accepted. The travelling through the Indian country will be rendered & made less pleasant by too many as an escort. Say 20 dragoons & such general & other officers as you may appoint with you will be thought to go Chattooche. Numerous other corps may & doubtless will fall in at Line until should none still continue distressed to this excursion, you will proceed to organize your escort for Chattahoochee & have them ready at a moments notice. It is a part of my plan that my movements have a combined civil & military complexion. It is proposed that one half a dozen shall also accompany the escort as a civil magistracy or Citizens. The Judges would have been installed had not their circuits intervened, for want of the aid of them. I shall desire Judge Clay, who thinks of a few others of our civil character to be on the train one of whom will address the Genl.

I am very respectfully &c
Isaac Pickens.

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Executive Office May 10th 1825

Jesse Beene Esqr
Agent for leasing the Salt Springs

Sir.

Should a proposition to lease the salt springs be made, you may accept of the same, on similar terms with those formerly concluded with Gov Terrel. The lease to commence from the concluding of the contract.

I am your most Obt
Israel Pickens

Executive Office May 11th 1825
Cahawba Ala

Sir.

I have received a letter from the Commissioner of the Gen L Office by a Statement attached to which it appears that from the 1st October 1823 to the 31 Decr 1824 the Amt accruing to the State of Alabama from the 3 per Cent was $10,753.66. No part of which has yet been paid over to the state.

I have the honour to request that you cause this sum to be paid over by a draft on one of the banks of this State. That at Mobile if equally convenient will be preferred, in favour of the Treasurer of the State (John E Terry) that officer being designated by a Law of the State as the agent to receive these funds from the U States

Direct to Cahawba Ala

There has heretofore been received the amt of this fund accruing prior to the first date before mentioned & it has been applied to an encroaching fund to be applicable to the purposes designed by the grant of Congress

I am very respectfully
your most Obt
Israel Pickens.

The Hon. Jeery of the Treasury

Executive Office
May 5th 1825

Ler. Austill Esqr

Sir

I received your letter enclosing a Statement of the proceeds of the African Negroes a sum of $3698.16¼ as remaining subject to my order. It is unnecessary to add that your proceedings are perfectly satisfactory You will please to deposit the amount in the Mobile Bank to the credit of the Treasurer of this State and transmit the Cashiers duplicate certificate thereof to the Comptroller with a statement mentioning that it is the proceeds of the African Negroes

I am very respectfully
Your most Obt
Israel Pickens

Mobile 12th April 1824

Lemuel Austill Esqr
Agent for the State
in relation to African slaves.

Sir

Conformably to the act of the last session of the Legislature I deem it proper to instruct you to attend to the Marshals Sale of the Africans, about to take place, and to bid if found necessary to prevent sacrifice. In bidding it is not my wish that you should offer the full value of any slave, but as much as will prevent their sale at a sacrifice

In case of purchase you will dispose of them as may be deemed most advantageous (and in no case for a Cash).

Your most Obt
(signed) Israel Pickens

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Cahawba Ala May 9th 1825

Sir

I have this moment received by mail from Montgomery a letter from Gen Bernard & Mr Shriver the United States engineers now employed in mewing the rout for the great National road from Washington City to New Orleans. They left Montgomery yesterday to go by Fort Dale & will probably reach Claiborne by tomorrow. The Secy at War requests me to coöperate with them by our State engineer if we had one. We have none as you know, but I have thought that a good woodsman & one intimately acquainted with our country would be a great acquisition to them and it is due to the character of the State to afford facilities to the general government in operations of so much interest to the State. I have to request that you act as an assistant & proceed with the engineers through the State or as far as they may wish within it. It will be necessary that you proceed immediately or they will have passed Claiborne. I have no precise information of their particular rout, but it is from Montgomery by Fort Dale to retrace the lower route to N. Orleans. They will return by the upper road on a straight line. You will please ascertain what way & when they will return & whether they will need any aid. Your services will of course be duly rewarded by the State

I am your most Obt

To General Dale

Brad Pickens

Secretary's Office
Cahawba. Ala. May 16-1825

Sir.

Pursuant to an act of the General Assembly of Alabama, I have the honor to transmit to you four copies of the acts and resolution passed at the sixth annual session of the Legislature of this State.

It is further made my duty to solicit an exchange the Laws and Session Acts of the Congress of the U States passed at their last session. Permit me to request that you acknowledge the receipt of these Copies as soon as it may be convenient.

I have the honor to be
with great respect
Your most Obt Servt
James Thornton
Secry of State

Hon. Henry Clay
Secretary of State U.S.
Washington City.

Secretary's Office
Cahawba Ala. May 16th 1825

Sir.

Pursuant to an act of the General Assembly of Alabama, I have the honor to transmit to your Excellency four Copies of the Act and resolutions passed at the sixth annual session of the Legislature of this State. It is further made my duty to solicit an exchange the Laws and Journals of the State over which you preside. Permit me to request that you acknowledge the receipt of these Copies as soon as it may be convenient.

I have the honor to be with
the highest respect your Excellency
most Obt Servant.
James Thornton
Secry of State

His Excellency
the Governor
of Virginia.

Same to the Gov. of each States in the Union

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Executive Office
Cahawba May 30th 1825.

Gentlemen.

By the last mail I recd a communication dated 14 instant at Athens, signed by certain Creek Chiefs who had signed the late treaty & who represent that they have taken refuge in our settlement & are distressed & destitute; they ask protection & aid. To them they are entitled by the laws of humanity & by the policy & character of a civilized & hospitable Republick. I have therefore deemed it proper to call your attention to these unfortunate people. You will please to ascertain their wants & their wishes. Should any expenditures be necessary for their immediate wants, I submit it to your prudence to furnish what their necessities may require & to submit the account of the advances made or needed. Should there be any just apprehension of the safety of these miserable objects I hope that no measures will by the civil authority (if necessary by the military also) be omitted in protecting them from violence by their countrymen, while they are in our own Country. Should their fears induce them to seek a permanent refuge with us: it will be advisable to encourage them to engage in some industrious pursuits for livelihood; and to become acquainted with the arts of civilized life. As regards the late disturbances in the nation & the execution of some of their Chiefs, I view them as a matter of their own. They have a right to manage their own affairs as they please, and I see no ground of interference on our part. But when any of these people should in the course of their misfortunes come into this State, the shelter of our laws should cover them. You will please to communicate the contents, as a reply to the letter of the chiefs with the assurance of my sympathy for their sufferings.

I am respectfully
Your most Obt
Israel Pickens

The Judge of C.C.
& Sheriff of St Clair County.

Executive Office
Cahawba May 30th 1825

Sir.

I have the honour to acknowledge the rect of your letter of the 14th inst. containing a copy of certain resolution of the legislature of Louisianna on the subject of repairing the military road between Madisonville and Nashville, and that day the subject before the legislature of this State, there being no law or resolution of the State making any provision for repairing as much of the road as leads through this State excepting the ordinary road Laws, which may not be adequate to the perfect repairs necessary on some portions of that road within this State. I can also add that I will take pleasure in cooperating with your Excellency and other necessary authorities in accomplishing the object mentioned by you which you justly view as one of publick utility & importance.

I am very respectfully
your most Obt
humble Servt
Isaac Pickens

His Excellency
Gov Johnson

Executive Office
cahawba Feb 6th 1825

Sir.

I have the honour to acknowledge the receipt of your Excellency's letter of the 6th of December on this day, together with a copy of a resolution of the legislature of the State of Mississippi in relation to the resumption of the negociations respecting the settlement of accounts between the two States. The course proposed by the legislature of Mississippi will no doubt be approved by the legislature of this State, as a proper mode for adjusting those accounts. It shall be laid before the Genl Assembly at the next session and a similar resolution will doubtless be adopted by that body. And I anticipate no difficulty in attaining a satisfactory result to both States.

I am very respectfully
your most Obt
Isaac Pickens

His Excellency
Walter Leake
Gov of Miss:

No 56

Executive Department
Cahawba. Alabama Jan-4-1825

Sir.

I have thought it proper to communicate to you, that the subject of running the divisional boundary between the State of Georgia and Alabama, was laid before the legislature of this State at its last session, and that body has not deemed it expedient to act on the subject at the present.

The legislature of this State having taken no measures for authorizing the appointment of commissioners, or artists, the State is therefore not prepared to become a party in the operation. It will remain for the General Government & the State of Georgia to take such course as they may think proper under existing circumstances.

I am your Excellency's
most Obt
Israel Pickens

His Excellency
Gov. Geo. Troup.

NB. Copies of the letters dated Feby 6th & Janry 7. were not furnished. till Augt 28th 1825.

Executive Office. Alabama
Cahawba July 3rd 1825.

Sir

I have the honour to acknowledge the receipt of your letter of the 16th Ult. and with it the resolution of the legislature of the State of Georgia authorizing the immediate running and marking of the divisional line between that State & the State of Alabama, after notice thereof to the executive of this State to afford an opportunity for cooperation in the work by appointment of commissioners on the part of Alabama. In my former letter you were informed that the subject had been submitted to the legislature of this State, at its last session, and that no measures had been adopted thereon by that body, whereby I am altogether unauthorized to appoint commissioners or otherwise cooperate in the desired work. It is proper here to observe, that the mission of the legislature

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to act hitherto was owing to no indifference to the importance of participating in the operation, nor to any indisposition to cooperate liberally and harmoniously in the execution of the work, whenever any practical benefit to either State might be promised. Until very recently the country on both sides of the proposed line was for its whole extent embraced within the territory allotted to the Creek & Cherokee Indians, and is even now & must continue for many months, to be under the occupancy of the Indians. Up to the period of the adjournment of the last legislature of this State, no disposition was evinced by either of those nations from which a cession of their territory was anticipated by that body, rendering a designation of the line then practicably. Now that a treaty of cession has been made & ratified, you may be confidently assured that the Government of this State will act with promptness & cordiality, as soon as the situation of the ceded country shall be such as to render it advisable. It is however obvious to your excellency that to provide the necessary means for a legal confirmation by this State, a convention of its legislature will be indispensable. The regular period for which will happen in November next. It is presumed that this will be in sufficient season to meet the views of the Government of Georgia, even should it be found expedient to commence at an earlier period to survey that portion of the ceded territory; Considering also the period assigned by the late treaty for the occupancy of the Creeks. This subject shall be at the earliest moment presented for the particular attention of the legislature and the object I trust will be reasonably accomplished, to the mutual satisfaction to both States in the only admissible or practicable way — by mutual participation

I am very respectfully
Your most Obt
Israel Pickens

His Excellency
The Governor of Georgia

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Executive Department
Cahawba July 11th 1825

Sir.

On several occasions heretofore the Government of Georgia has expressed a desire to have the dividing line between that State and Alabama run & marked. Until recently the whole extent of that line was included in the Country of the Creek & Cherokees. On which account it was not deemed expedient by this State to cooperate in the work. Now the Jurisdiction has been removed by the Executive & Legislative departments of Georgia, and its immediate execution is urgent, as important to that State to enable it to proceed with the surveying & disposal of its own share of the territory ceded by the late treaty with the Creeks. This State will certainly be disposed to accede to the proposition & to cooperate with the authorities of Georgia in extending the line as soon as the ceded country shall be in such a situation as to render it advisable. Under the peculiar circumstances attending the treaty, and especially during the interval of time reserved by it for the occupancy of the Creeks, previous to their removal. I consider it due to the General Government, that no movement be made in the operation proposed, without first consulting the President Indeed the United States is hopefsed of such an interest in the correct extension of the line that a participation, by its authorities should the same be deemed expedient, cannot be otherwise than acceptable to this State.
You will please to communicate the contents of this letter to the President & advise me of his views in relation thereto

I have the honour to be
Your most Obt
Israel Pickens

The Hon
James Barbour
Secry. of War

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Executive Office. Mar.
Cahawba July 28th 1825

Dear Sir

Your much esteemed letter of the 4th inst. is received, in which you communicate the result of your examination into the circumstances attending & consequent upon the late treaty with the Creek Indians. It is satisfactory to be assured of the friendly disposition of all parties of these people toward the citizens of the U. States of this Country. I never had any serious apprehension. In regard to the manner in which the treaty was executed I am truly sorry to learn from so high and authentic a source that the rumors heretofore in circulation tending to impeach the fairness & of course the validity of this treaty are so fully confirmed. You say that the treaty sanctioned by not exceeding a fifth of the Creek nation and extinguishes a connection that it was not fairly & honestly obtained. The inference you draw from them remains as to the course which we should pursue in relation to these miserable people, is such as does honour to the heart of a patriot. And the independent manner in which you appear determined to conduct & to express your sentiments on the occasion will comfort with that conscientious & upright conduct which has characterized your entire Public & private life. The State of Alabama is nearly as much interested, you will know as Georgia in carrying the treaty into effect. It would acquire as valuable a scope of territory; Though without the primative right of soil. Yet I hazard nothing in saying that our population would not desire upon terms that would leave a claim on the national honour. The character which our Government has already acquired for probity and good faith in its dealings with other nations; and especially with the Indian tribes, that are within our power is worthy of much value to our union. It should not be forfeited for slight reason. I still hope that these deluded people may on further reflection, see that it will be their interest

to accede to the policy of the plan recommended by our late President, of removing that ward. They must be convinced by this time that if the tenure of their present occupancy be not precarious, it cannot be represented to them. Subject as they continually will be by their neighbours, on both sides, to be off. Feeling so much the importance of the removal of the Indians, to the State of Alabama & Georgia particularly, & indeed to our whole country, I trust that another effort may be made for negotiating for the whole of the Creek territory; and I cannot resist the hope that it will not terminate successfully, and with mutual satisfaction.

I admit however prudence to anticipate the course proposed by the General Government.

Major Genl. E P Gaines

I am with much regard
Your friend
Israel Pickens

Department of State
Cahawba Oct 10th. 1825

Sir.

I have the honour, by instruction of the Governor, to enclose you herewith a certificate of your election as a member of the House of Representatives of the United States.

I am very respectfully
Your most Obt
James J Thornton

Hon. Geo. W Owen.

Same as above to Hon John McKee & Gabriel Moore, members of the 19th Congress.

J. J. Thornton.

Department of State
Cahawba. October 10th. 1825-

Sir.

I have the honor, by direction of the Governor to acknowledge the receipt of the "Revised Code of the State of Mississippi" transmitted by you on the 20th Sept= last=

I have the honor to be &c
James I Thornton
Secry of State

John A Grimball
Secry of State Mississippi

Department of State
Cahawba Oct-12. 1825-

Sir.

I have by the mail, transmitted to you a writ, requiring you to hold an election for election in your County on the second Monday of November next, for a representative to the next Legislature, to fill the vacancy occasioned by the resignation of Ptolomy T Harris.

The Sheriff of
Washington County.

I am with great respect
Yours &c
James I Thornton
Sec of State

Executive Office. Ala. Cahawba
September 24th. 1825

Sir.

I have received your letter dated the 6th of June last & have delayed the answer to obtain from the commissioners appointed to make an examination of the muscle shoals more full & satisfactory information in relation to that portion of the enquiries contained in your letter, than I had prospect. I have just learned by a letter from the commissioner that they have not progressed so far in the work as to add to the knowledge heretofore possessed in relation to the obstruction in the Muscle shoals - the place most favorable for making a good navigation through or around them - nor the expense attending the same. - Their report will be expected during the approaching session, & we presume it will be

be satisfactory as to all these particulars. The character of the Commissioners & that of the engineer. Mr Martineau, who is well recommended promise this result. So far therefore as respects this object of improvement, I must defer a more minute answer, until the report shall have been received. In relation to the connexion of the waters of the Coosa with those of the waters which is the other object of enquiry in your letter, I am unable to give you any accurate description or estimate. The contemplated route of this canal will in whole or greater part be included within the state of Tennessee. The information we have desired is therefore not from any surveys that we have made or are authorized to make, but from sources left entitled to confidence than others within the reach of the authorities of the State of Tennessee. The situation is understood to be very favorable & the distance between the points, between which the communication is to be formed is very short, and the work I doubt not is of more easy practicability than any other in our whole country in proportion to its apparent magnitude & the importance of its accomplishment. Should this connexion be undertaken early, I have every assurance, that every obstruction southward & below the canal down to the Alabama river will meet the earliest attention of this State.

In regard to the probable disposition of Alabama to unite with Tennessee in the two objects as enquired of in your letter. I can only observe that the people of this State feel very sensibly the importance of both these objects; & the several acts of the Legislature for examining the Muscle shoals & route of communication between different points on the Tennessee & Mobile waters will witness. And I have no hesitation in believing that the first favorable occasion will be embraced for realizing the objects mentioned, either by their own means or by cooperation with other States. As however both these objects of improvement are mutually important to Tennessee & Alabama & may require advances

to an extent greater than might be at the present period convenient to either of the two States alone, I would suggest but without any other authority than my individual opinion, that a plan for cooperation might be digested by Joint commissioners that would promise success as well as mutual satisfaction.

In answer to your enquiries respecting a skilled engineer, I am not able to recommend any one with the exception of the gentleman I have named who is in the employ of the commissioners for viewing the Muscle shoals. He is well recommended to them & I trust worthy of confidence. On this point I would refer you to Judge Clay & Dr Fearne of Huntsville two of the commissioners. I have also been informed by the U. S. engineers now acting as a board of internal improvement as well as by the late Secry of War that the examination of both the objects embraced in your letter were in contemplation by the U S Government. And I learn that the next season is the time assigned for that operation.

I am very respectfully
Your most Obt.
Isaac Pitters.

His Excellency
The Governor of
Tennessee.

— — —

Cahawba Decr 15th. 1825.

Sir.

I have the pleasure to acknowledge the receipt of your letter dated at Knoxville the 19th of last month. I rec'd it only on the day that you arrived at Montevallo. I regret extremely that it was not in my power to afford you any aid, in the execution of the very important service in which you were engaged; or even to shew you the civility of furnishing a good guide to accompany you, in your progress through the State, We have not appointed a civil Engineer, who must be required to act under the direction of the Executive; and the meeting of the General Assembly happened too late for the appointment of an intelligent Commissioner to attend you. I should be glad to hear from you by letter addressed to Cahawba or Claiborne. This State feels great interest in the due execution of an object so important as a national road from the City of Washington to New Orleans, and will not fail to give

every Corporation in the power— On the subject of internal improvement generally a strong interest is felt, a just estimate of the utility enters into our public Councils and I hope we shall readily cooperate with the United States, and prosecute on our own footing, to the full extent of any means which we can properly command— Should you be charged to make any examination for connecting the navigation of the Tennessee with the navigable waters of this State, this side the mountains or for a canal around the muscle shoals (during your present route) I shall be very glad to hear from you.

I am with great respect &c
John Murphy

William Tell Poussin
Capt Topl Engineers

P.S. I was uncertain, at what point, my letter would be most likely to find you— This has occasioned some delay— I give you my own impressions on the subject of internal improvements; the legislature at the present Session has not as yet, acted upon it. J.M.

Executive Department
Cahawba Decr 22nd 1825

Hon. Henry Chambers.

Sir

I have the honor to transmit by the mail which conveys this, two authenticated Copies of an Act passed at the present Session of the General Assembly for improving the navigation of the Port and Harbour of Mobile.— I am instructed to request you to lay it before the Congress of the United States in order to obtain their consent to such part of it as requires the sanction of the General Government— It is thought by those who are best acquainted with the subject, that the improvements contemplated by the Act are of great importance, and would prove highly beneficial to the commerce which may be directed to the Port of Mobile. I deem it unnecessary to enter into any details of advantages as you have a personal knowledge of the situation of the Port and Harbour of our exertions in the Congress of the United States to carry into effect the views of the General Assembly of this State, in this, as in every other instance will

be duly appreciated.

I have the honor to be with sentiments
of high respect, your &c &c
John Murphy.

Hon. Henry Chambers
Washington City.

Same as above, to the Hon Wm R King, John C Calhoun
George W Owen, & Gabriel Moore.

Department of State.
Ala, Cahawba April 30th 1826

Sir.

Pursuant to a law of this State I have the
honor to transmit to you four copies of the Acts
of the General Assembly, passed at the
November session, 1825. You will please acknow-
ledge the receipt of the same.

Hon'ble Henry Clay
Sec of State U. S.

I have the honor to be
&c James I Thornton
Sec of State

Department of State
Cahawba Ala - April 30th 1826

Sir.

Pursuant to a law of this state I have the
honor to transmit to your Excellency three copies
of the Acts of the General Assembly, passed at
the November session 1825. It is further made
my duty to solicit in exchange the laws of the
State over which you preside. Permit me to
request that you acknowledge the receipt
of these copies as soon as may be convenient.

His Excellency
The Governor of
Virginia

Very respectfully
Yours &c
James I. Thornton

} Same to the Gov of each state in the Union.

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Executive Department
Tuscaloosa July 20th 1826

Sir.

I have the honor to acknowledge your favour of the 19th of April last which informs me that this State is entitled to twelve thousand nine hundred and fifty-eight dollars 28/100 of the three per Cent arising on the nett amount received for lands from the 1st of January 1825 to the 31st of December in the same year, and that the said amount is subject to my draft on the Treasury, or to that of any other person authorized by this State to receive the said fund. If the Treasury Department can make the arrangement to have the money paid here, it will afford a desirable convenience. The Treasurer is made by law the Agent to receive and receipt for any amount of the three per Cent arising to this State, and his receipt is made binding on the State for such amount as he may receive. If instructions can be given to any of the Land offices here, or to the St Stephens or Mobile Bank, receiving deposits from the Land offices, to pay the above amount, it would be convenient to draw on them in favour of the Treasurer of this State, and when the money is paid the Treasurer will give his receipt which will be good against this State. Whenever the Treasury Department will apprise me that such instructions are given I will direct the Treasurer to make application and to give his receipt for the amount. In this way, or by sending on a check in favour of John C Perry, the Treasurer of this State, or in any other mode more conformable to the usages of the Treasury, it is hoped it will not be inconvenient to order that the payment be made here. Our situation is remote, and to receive at the Treasury of the United States would be attended with unavoidable delay, trouble, & expense.

I have the honor to be very respectfully Your obt Servt
John Murphy.

Geo: Graham
Commr Genl Land Office
Washington City.

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Executive Department of Pa
Justa loosa July 24th 1825

Sir.

I have the honor to acknowledge the applica tion of your Excellency for the delivery of certain fu gitives from justice, charged with the crime of kidnapping free persons of colour, for the purpose of selling them into Slavery. This is an offence of peculiar aggravation, which manifests a vile destitution of morals and common humanity It is committed against the abject, the poor and defenceless, involving a mercenary baseness and turpitude of character abhorrent to God & to man. Your Excellency may be assured that all due measures will be resorted to for their apprehension should they, or any of them, be found to reside within the limits of this State. I have not as yet been able to ascertain where any of them reside; such men wander to & fro through the earth, agitated by their guilt & fears. I shall make enquiry for them by all the means in my power. It is probable that one of coloured boys, Cornelious Sinclair, was sold in this place, without any imputation of deserter by on the purchaser. The question of his freedom is now the subject of legal adjudication. If he be really free, the boy supposed to have been kidnapped, and decision on the application of Your Excellency, neither himself or his friends have any thing to fear; in that event even this innocent purchaser would freely consent to the restoration of his right. By way of security and additional proof his identity and freedom, which may thought necessary, may be forwarded to this place. He is in the hands of men, than whom none other feel a deeper abhor rence of such inhuman an outrage. I have thought it my duty to give your Excellency this information. It is supposed the offenders are not at present in this State, but should they be found to be so, it will give me great pleasure to commit them to your authority that they may be made to answer for their crimes.

His Excellency.
Andrew Shulze
Governor of Pennsylvania

I have the honor to be &c &c
Isthm Murphy

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Executive Department
June 26th 1826

Sir.

On yesterday I received a communication from the Secretary of War, on the subject of the line between Georgia and Alabama, and lose no time to apprise your Excellency of the result of my application for the appointment of commissioners on the part of the United States to cooperate with our commissioners in the ascertainment of the line. The President of the U.S. expresses his gratification that an object so desirable to the two States as that of establishing the boundary between them can now be effected without objection or difficulty on the part of the U.S. The Congress of the U.S. not having authorized the appointment of commissioners, or made any appropriation to defray expences. The President does not feel himself authorized to make the appointment. We have thus the full consent of the authorities of the U S to run our contemplated Line. As I hope we shall suffer but little inconvenience from the delay, it may not be altogether in vain that the application has been made. The answer of the President is perfect explicit & satisfactory and altho' we might still wish that the President had power to appoint Commissioners it may not be at all material. I hope our Commissioners, meeting in the spirit of friendship and equity, will give such construction to the Articles of Ag & Cession, as will preserve the interest and prove satisfactory to the Authorities of both States. I enclose you an extract from the Comm[n] of the Secretary of the War Department

His Excellency
Geo M Troup
Gov of Georgia

I have the honor to be &c
John Murphy

Executive Department, Alabama,
Tuscaloosa Sept. 5th 1826.

The President & Directors of the Bank of the United States

Gentlemen,

We have been announced in the public papers, and have derived knowledge from other sources, that preparatory measures are contemplated, or are already in progress for the establishment of a Branch of the Bank of the U.S. at the city of Mobile. It is also reported here that solicitations were made by a portion of the citizens of this State for the establishment of such a Branch at that place. If this report be true, those who made the solicitations, either did not know, or did not regard the views of public & private interest which attend for the present, upon very many of their fellow citizens. We have experienced, and have laboured to remedy, the evils of a deficient & depreciated currency. The convicty of the State have deeply meditated for several years, indeed from the commencement of our State Institutions, that policy most likely to prevent the continuance or recurrence of such evils, and have put all their resources into requisition to secure that object, & at the same time advance other important interests by the collateral operation of their measures. We have now passed the difficult threshold of incipient Systems, are satisfied with the present development of our experiment, & entertain happy presages of its future success & ultimate success. We have established a State Bank, purely a public institution, into which no private interest is admitted, and the sole object of which is to subserve directly the common interest of the body Politick. Into this Institution we have thrown the present disposable portion of our public resources, with the double view of giving to them the greatest safety & improvement, & obtaining at the same time the collateral benefit of a sound currency & a quantity of circulating medium, such as our commerce & exchanges may require. This for the present is a sufficient detail of the objects of the State Bank, from which the people have cherished, we hope with good reason, the expectation of many and important advantages. There are also two private Banks in the State which have done good business, and in which there is much authorized Capital yet to be subscribed for. But how shall we be able speedily to accumulate private disposable capital, who pay into the Land Offices of the U. S. nearly the entire amount of our annual income. Hence one motive of the present necessity of giving that direction to public capital & preserving with wise & jealous caution its safe as well as profitable investment. And under these views of things it would be unreasonable to require how the public institutions of this State would be able to act on an equal footing with your Institution, into which their money, as well as the revenue arising to the Confederation from us, will be required to be paid? You will not receive our funds alone in the usual channels of Commerce, for on the contrary every dollar which can be spared will go to you as the drain in which our money must for some time continue to flow. We are therefore afraid of the Bank of the U.S. only because it is impossible for the present to transact business with it on an equal footing. With us it is also a matter of serious Consideration, & I trust it will form an appeal to the generous & public sentiments of your Body, that we shall not be able to accommodate our people in the time of any accidental pressure, difficulty or distress, even to an extent which the perfect safety of our funds would otherwise warrant, for we shall have to guard against the possible operations of our Institution, which however generous & liberal in its ordinary transactions, will have no identity of interest with ours. However much I should be inclined myself to have

great confidence in the liberality of the transactions of the Bank of the U.S. I should not be content that the institution of the state & the common property of its people, should enjoy from any corporation, however respectable & unsuspected, only a precarious and dependant existence. This institution is different in its nature & in its objects from other banking establishments as it is identified directly with the general interest of the state, & more imperiously demands the public protection than any other general interest. To effect this institution myseriously, will be to effect the public & private interest of every man in the state of Alabama. It has become a part of our municipal regulations, & constitutes a vital principle of our state policy. The constitution of this state provides for the establishment only of a state Banking institution which is to be solely under the management of the state authorities. Thus is evidently shewn the policy which she has invoked & which attained the sanction of the U.S; & this policy is now binding on us as a constitutional directory of our conduct. We announced, at the beginning the intention to depend on our own public efforts in this particular & shall we not be allowed to make a fair experiment of policy so early cherished & under the operation of so by constitutional provisions? The Bank of the U.S. may operate with all its immense force, in that ample field which would be more than voluntarily conceded to it, without disturbing the policy or exciting the fears of any state which may have made peculiar arrangements for itself. Such a liberal course would accord with the interest as well as the magnanimity of the Bank of the U.S. & the wide theatre of unrestricted & lucrative operation, ample & beneficial employment will be given to all its interests. This state does not entertain any hostile feeling towards the Bank of the U.S. but on the contrary wishes it the most ample range of legitimate success; but it is proper for me to declare that an attempt to force a branch on the State, without the consent or wishes of the people, would be highly obnoxious to them & those who are in authority under them. We wish to make a full & fair experiment of the mixed policy of our state, which has arisen from the express provisions of our Constitution. The Bank of the U.S. cannot wish to interfere with a vital principal of our state policy. The wishes of this state have not been unanimously announced to the Bank of the U.S. and they have requested that no definitive measures may be taken until the next meeting of the General Assembly of this state. This liberality cannot fail to place the conduct of the Bank of the U.S. in a favorable point of view. I have not permitted myself to touch in the most general manner on the subject of the letter which I regard as my public duty to write to you. I should be glad to receive as early an answer to the communication as the convenience of the Board may admit. You will excuse the trouble which this may give you & be assured, Gentlemen, that

I have the honor to be with high respect and consideration

Your ob. ser.

(Signed) John Murphy.

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Executive Department Alabama
Claiborne June 13th 1826

This is to certify to all whom it may concern that I have appointed Thomas P Bayley & Jesse Thomas, in conjunction with Arthur P Bagby & Jesse Thomas commissioners on the part of this State to cooperate with such commissioners as may be appointed on the part of the State of Georgia, to ascertain the boundary line between this State and the State of Alabama agreeable to the authority vested in me by a Resolution of the General Assembly of this State passed the 5th day of January 1826.

(Signed) John Gayle.

N.B. Thos. Gentlemen had been commissioned, under date April 20th but were surprised not to hear received them.

Executive Department Alabama
Claiborne June 13th 1826.

The commissioners on the part of the State of Alabama to run the line dividing the States of Georgia and Alabama.

Gentlemen.

I might well leave to your wisdom discretion and diligence the various descriptions and labors which may arise in the discharge of the interesting Public duty confided to you, without making any remarks or suggestions of my own. But the station which I occupy, and which ought to render every thing important to the community a matter of concern to me, vide to be my reason & my excuse for submitting to you, the conclusion which I have drawn from an examination of the Articles of Agreement & Cession, under which you will be shortly required to act. The views which I will give you can only possess the character of suggestion & advisement and are not to have a binding obligation on you should they not be coincident with your own. The Resolution of the General Assembly from which you derive your authority prescribes the direction and limitation of your powers. If it not sufficient for you to accomplish, dismiss or modify them. I must cheerfully attempt to do it as it is my duty to do. In the way of examination and surveying - You are to cooperate with the commissioners of the State of Georgia in ascertaining the line between this State and Georgia, according to terms of the compact - made between

the United States and the State of Georgia in the Year 1802." It will be necessary to look to the instrument as a Polar guide of our proceedings and to examine with care & minuteness not inconsistent with just liberality, the "terms" which it contains. It is perhaps somewhat unfortunate that the instrument itself may admit of controversy, but I trust it contains enough to steer with reasonable certainty - the intention of the contracting Parties, and to lead to a just construction of the "terms" in which their compact is expressed - According to the Articles of Agreement and Cession the Determinous Line between Georgia and Alabama commencing on the western Bank of the Chattahoochee at the 31st degree of Latitude and ascends the River on the western Bank to the place, where a certain Creek or river called Uchee empties into the Chattahoochee, and thence "to the great bend, next above;" and thence a direct line to Nickajack on the Tennessee river. Hence it appears that the western Bank of the Chattahoochee is the common boundary from the 31st degree of Latitude ascending the river to a certain point where there is a great bend, and thence the common boundary is a direct line to Nickajack - The material point is to locate and establish this bend; there can be no other difficulty. It is one of the extreme points or stations of the meandering line, the 31st degree of Latitude on the Chattahoochee is the other. To ascertain the point where this bend is to be found, we have the following directions given in the Articles. If is the bend "next above" "the place where a certain Creek or river called Uchee" bring the first considerable Stream on the West side above the Cusseta and Coweta Towns, we are therefore to proceed to the great bend next above the Creek, and that bend is the extreme upward station of the line on the Chattahoochee, and the point from which the direct line is to commence. But the difficulty in fact presents itself. For the creek now known by the name of Uchee is below the Cusseta & Coweta Towns, a great bend which is understood to be above it & the next above is also below the Towns; when the Articles declare that they are both above them. Can this be the Creek intended by the Articles, and

can the great bend above it be the line also intended. The solution of these questions, upon which the whole controversy rests, must be sought in a fair and reasonable construction of the Articles themselves. They are the best rule out of which we cannot travel, where no direct proof, and they will furnish most of the grounds upon which reasonable conjecture may be founded. The name of the Creek is at variance with the declaration made concerning the Creek intended, that is, the first considerable Stream &c. There must have been a mistake therefore as to the name of the Creek intended in the Articles, as the declaration made concerning it is incorrect. Let this question be examined according to the rules of fair and impartial investigation. And first it is material to enquire whether the commissioners referred to a Creek called Hiwassee, as a Stream notorious and ascertainable, also by a well known & established Name. Let the phraseology & import of the Articles be examined. If it is declared to be a certain Creek or River called Hiwassee: these expressions do not indicate a place notorious, or a name well known. The word "certain" and as it is here, always implies the want of intimate knowledge. The words Creek or River, not known, it would seem, in what orientation it was held, or what denomination it ought best deserve. The word "called" has also a similar import, uncertainty, want of knowledge & notoriety. Who would think of speaking of the late Emperor of France called Bonaparte. The commissioners then not spoken of the place when the 31st degree of Latitude crosses a certain River called Chatahoochee, or certain Indian Town called the Cusseta and Coweta Towns, or a certain place on the Tennessee River called Nickajack, according to the usual & received import of Language. These expressions sufficiently shew, that the Creek intended by the commissioners, neither in the description of the Stream itself, or the name by which it was called, had any claim to celebrity or any destinction of peculiar and intimate knowledge. But if this could be doubtful the following sentence will remove all obscurity. The Creek intended by the commissioners and by them called Hiwassee, and referred to as a station in the line as declared by way of explanation to be "the first considerable Stream on the western side

about the Capitan & Coweta Towns. The Jury decided to establish the Stream intended by the contracting Parties, which might be liable to error or mistake under the preceding description and name "a certain river or Creek called Mohee." The Creek designated by the Commissioners under the name of Mohee, must correspond with the expressed description which they have given of it, and it must be the first considerable Stream above the Capitan and Coweta Towns. If Mohee is not so, Mohee cannot be the Creek intended. There was a mistake in the name, but care was taken to make such a mistake perfectly immaterial, by a description and location which renders it as certain as the most noted name could have made it. To this perhaps it may be objected that the Commissioners might have had very limited Geographical knowledge of the Country, & been ignorant whether the Capitan & Coweta Towns were above or below the Mohee Creek. Can it be supposed that the Commissioners knew the Creek better than the Towns, places which must have been known to all who had any General knowledge of the Creeks or the Country; Places the Seat of their empire, the residence of their Chiefs, the theatre of their Council, the rendezvous of their military expeditions and the Emporium of all who visited them from motives of interest or vicinity. This Creek runs an Creek called Mohee and attempted to be located by the position which it bears to the Towns to be better or as well known as the Towns themselves. The name of the Creek was immaterial to the Commissioners, nor is it made material in the Article of Agreement which they drew for they have obviated every difficulty which could result from a mistake of the name. If the Towns were not at least as well known, as the Creek, then could they be supposed to lay away of discretion. If they were as well known as the Creek how could they mistake be made in reference to their relative position. Any one who could have referred to Mohee as a noted place must have known, whether the Towns were

[illegible] [illegible] [illegible] [

[illegible] not mentioned unless they should be included in "Creeks" and in that case the Creek is declared to be above the effect of these Terms. It will not escape your notice that the Commissioners have made the following expressions, convertible and of the same import viz, a certain Creek or River called Metcee and the first considerable Stream &c.
This circumstance perfectly commands the Junction or Reason, and Logick and Justice, the latter expression makes the Creek spoken of as the first perfectly ascertainable & not liable to any mistake, upon the conception only that the Terms could be ascertained & distinctly known; Who can doubt this, and the Commissioners have used no expressions concerning them which could lead us to think that they supposed it possible to have a doubt or difficulty in that respect. In this view the convertible or synonimous expressions have the effect which the Commissioners must have intended, they confirm and elucidate each other and prevent any difficulty which might arise from an immaterial circumstance, such as the name of a tribe or the Indian Country, and in language unknown. The expressions which were intended to mean the same thing, are made still to have that effect by the mere suppression of a name which could not be material, and concerning which the Commissioners have from experience taken their own declaration that the knowledge of a mistake. The Commissioners in using converse expressions could not have any intention in the latter, and substituted them for language and reference to places which could not be mistaken. But should any one choose to take a contrary view and suppose that the names of the Creek Nation ought to be the Sovereign circumstances when in the Indian Country to be found that the Commissioners intended that it should be so, they have used very qualified and cautious language concerning it, and at the very mention of the name provided for the location of the Creek, in a manner in which neither was a name used. By the use of the name admitted, being

The first 37 of the line name of the creek is to
seem it will therefore, a reflection intended to be con
nected with the first more than any unnatural part
but in the whole import, thus giving equal attention
to the rules of law, the article of treaties. I need
not mention the rules of legal construction for no
person understands them & will see them a fair
and favorable application. I need not go into fur-
ther details, and indeed the length to which I have
already gone cannot be sheltered under any plea
of necessity. I conceive that the name is made
clearly unmistakable in the language of the
article themselves that a mistake in spelling
of the correctness of the name introduced, and
that a subsequent mention is made a point any
difficulty which might arise from it being
incorrect. That the Article of these proposi
tions stated the engagement in the entire
of import of an ~~contracted~~ and explanatory
part by the operation
The part destroying & the part destroy are now
intended to be perfectly consistent. If they
cannot be reconciled on every admissible ci-
cumstances - shall not at least the subject matter
of agreement be ascertained. Shall not the "Creek
or River" of the one be made to correspond with
the joint" Coosawattee stream of the other. I aver.
affirmed that such will be more obvious. From
the on conclusion on that part to observe that "Cutter"
does not appear to have been referred to as a stream
to motion, as to form all the other places and
declaration, but on the contrary was itself to
to be located by reference to the other noted places.
The Creek was to be located by the stream, and
the part bound by the Creek. I come to the
conclusion which I draw, I assume first that the
town must have been equally well a better
known to the commissioners. Then the present
Coosawattee Creek, that having known both they
must have known their relative position that
having such knowledge relative position they
could not have expected an utter contradiction
of the words used - especially in the words of the
act and citation, which a known mistake.
I infer from the peculiar structure of the article.
that the creek intended by the commissioners

Where had no particular notoriety either natural or artificial, an evident knowledge being also made for its location by reference to places near thereon. If "Tickle Creek" is to govern the question it must be presumed to have been well known and so highly distinguished from the other places now mentioned accidentally by way of association & by no means necessary in order to locate it. This is highly improbable in itself even were it not at variance with every reasonable inference to be drawn from the language and form of the article. But it may be contended that the first land above the mouth of Little may serve to identify with the creek intended in the article, and to this it may be remarked that the first land does not appear to be spoken of by any measure and description, as known under the common and specific appellation of the great land. It is merely declared to be the "next above" that is the first large island in the River above the mouth of the Creek. The Authography shews that at any given point of a river known by that common appellation, "The great land" when the Creek is ascertained as can easily be by the Town, the great land can with ease also be ascertained by the Creek. If the land above Little has been notorious, the land mentioned in the article does not appear to have that notoriety given to it. It is manifest therefore that the first land above Little is not intended by the relation which it bears to the Creek and Town. If however this place was notorious to the community and on that account referred to as a governing point, they must have known whether it was above or below Town; if notorious they knew the Town of all. They knew also that it is the next land above a certain Creek, which is itself above Town, whereas the land above Little is below the Town, and until they knew made this complex train of extraordinary matter. I am clearly of opinion that the direct line on the Charlestown part to commence above the confluence of Cowdā Town, and the precise point of commencement must be at the first great land which may be found above the first-

considerable. Since also doubtful & disputed questions will arise between the western side above the Cascades and Coast Towns, whether or not that land was ever known under such common appellation, or whether the first considerable stream was had or known with them any whatever name. I am afraid you will meet the Commissioners of Legislative Authority in reference to these matters and accordingly sentiment and that upon this subject may be in your power to bring them to a fair and impartial examination of the articles and terms at such time as you shall deem and hereafter may appear. A careful acquaintance should be made above the Cascades & Coast Towns, this first consideration at the land. The Commissioners will not declare any determinations which may be deemed by those with whom they act. Should Wachet Creek be considered on, and that you should think it has claims to be recognized on terms of the compact, on the contrary on the articles, you will carefully move to this State the effect of conforming or rejecting the line which you may deem. This no doubt will be the common understanding on every case but in the contingency which I have mentioned I should wish and expect declaration of this point be imposed above the Lewis, and which may reasonably be inferred to be the point intended in the articles or admitting of such construction, and by which the substantial interest of this State should be preserved, you will exercise the liberal and conciliatory discretion with the authority under which you act: may permit it is desirable on many accounts that lines should be run now that your hand meet to do so.

I remain Gentlemen very respectfully, your friend & obedient Servant

Arthur P Bagby Esquire &
Major Charles Lewis,
Commissioners &c.

John Murphy

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Executive Department Ala.
Claiborne 3rd June 1826.

Sir

Your Excellency was kind enough to give me, at my request, your construction of the articles of agreement and cession, in return for which favor I promised to give you mine. I have great pleasure in doing so, as it affords another instance of the undisguised freedom of all our communications. The articles make the Chattahoochie the boundary from the 31st degree of Latitude ascending the river to a certain point when there is "a great bend", and from thence a direct line to the Nickajack on the Tennessee River. This "great bend" is declared to be above the mouth of a "certain Creek or river" and the bend "next above" and the Creek or river is declared to be called "Uchee" and this creek so called is declared to be the first considerable stream on the Western side, above the Cusseta and Cowetà Towns. Now then to ascertain the point when the direct line is to commence, we have a certain Creek or river "called Uchee on western side" and "above the Cusseta and Cowetà Town" and a great bend" (of the Chattahoochee) next above the mouth of said Creek. With these land marks and directions to guide and ascertain us, if we were to seek the point when the direct line is to commence we would first inquire for "Uchee," and when is Uchee to be found, above the Cusseta and Cowetà Towns. How far above and how is it to be known. The first considerable stream, on the western side. Having found the "certain Creek or river called Uchee" the first considerable stream, on the western side, above the Cusseta and Cowetà Towns," when "there should we proceed To the great bend" thence, namely of the Chattahoochee. And how shall this bend be ascertained. It is the bend next above the place where the Creek "empties into the said Chattahoochie River. Thus the articles conduct us to the place where the direct line is to commence. But should any variation be found between any of the facts which compose the direction given, how shall the difficulty be obviated? Suppose for instance that the Creek now known by the name of "Uchee" and heretofore always under that name by those who know it at all, is below the "Cusseta & Cowetà Towns" when the articles expressly and cautiously declare that it is above. The inference would seem to be irresistible, that the Creek intended by the articles and

81 supposed to be called "Uchee is not now, and probably was not then known by that name. But should it be thought otherwise for a moment it would be natural to suppose which was best known to the commissioners, the mere name of the Creek which they intended or the position of the Cusseta and Coweta Town," and their own intention also, that the direct line should commence above them. Which was best known the Creek "Uchee or the Cusseta and Coweta Towns." It would seem from article the towns were best known, for they are referred to by way of parenthetical elucidation. There can be no doubt that these towns were better known than any point on the Chattahoochie named in the article. But did the Commissioners refer to "Uchee" depending on the notoriety of its name or position to prevent all mistake, and to govern the future operation of establishing the line. It would seem not, for they have declared it to be a certain Creek or "River" not knowing which denomination it may best deserve, or in which estimation it was commonly held, and using an adjective epithet, in such cases always implies the want of certain knowledge; and with regard to the position, they have not left it to be determined by the name merely, for it is declared to be above the "Cusseta and Coweta Towns" and the first considerable stream above those Towns. † Did the commissioners refer to a Creek or river called "Uchee" as perfectly well known by such appellation, and having no need to be rendered definite by reference to other places more distinguished and better known? The special, and explanatory caution by parenthesis is used, shewing that it was deemed necessary to establish the Creek by them intended, and declared to be "Uchee" otherwise than by its name. It cannot escape notice that the Creek called "Uchee" in the article is and a town connected with the first considerable stream on the western side above the Cusseta and Coweta towns. They must mean the same thing and the one may be substituted for the other. It will also be remarked, from the peculiar structure of the article, that the commissioners were careful to identify the Creek by them intended, and called "Uchee" not only by the relation which it bears to other noted places, but also by a philosophical explanation "being the first considerable stream". Why all this caution about the Creek called "Uchee" if it were equally or more notorious than the other places mentioned, and if the other places

mentioned, and if the other places and the peninsulas were merely used by way of explanatory association, and not intended as the surest means to identify, may rather to locate the Creek alluded to. The peninsulas could not have been used, with any propriety in connexion with the towns, as an additional circumstance, in explanatory association: the exclusive purpose seems to have been to locate for the words "point" a distinctive and emphatical; and it is reasonable to infer, for the connexion is unquestionable, that the towns were mentioned with the same design. I cannot but believe that your Excellency will regard this as more likely than that the towns were referred to as additional and accidents to a certain Creek or River called Uchee, under marks of quotation. Have these marks of quotation and signification they are used in the Articles, to a common name only in other instances, i.e. "into a county to be called Bourbon" and the authority for this name is an Act of the General Assembly of Georgia the authority for the other name "Uchee" for they seem to have referred to authority, must have been the common impression of those who intended to know the name of the Creek which the Commissioners wished to designate by name, and which they thought proper to guard by an immediate declaration that it was the first considerable stream &c. It will be readily perceived by your Excellency, that of the Uchee is to govern the line, when it is at variance with an express declaration of the Articles explanation of itself, it must be for the reason, that the Uchee is deemed to have been a place more notorious and better known to the Commissioners than the towns, and on that account they were less liable to make a mistake concerning the name or position, than concerning the name or position of the Towns. The supposition, therefore, which I have made, are not irrelevant but material to the discussion of the question. If the commissioners had obtained a correct knowledge of the Creek and its name, they would of course refer to it as a governing point and their ignorance of the towns would have been a sufficient excuse for any mistake in their relative position. But if the Creek was to them a place

(3) to notice as to govern all other places and declaration of the articles (for when there is a variance unreconcilable, it must govern them, or be governed by them,) how is it possible that they should not at least have known, that the Creek was below the Cuyahoga "town". The proximity of the places is such that no one could know much about "Akron" and not know whether the "Cuyahoga" was above or below it. This would not comport with the wandering and inquisitive habits of those who are accustomed to explore unknown regions. The town must have been known to those who knew the Creek. It appears to me then, that one of these things must have happened, they must took the name of the Creek or they permitted a mistake in that part of the articles which was specially intended to prevent mistake. Which of them seems would seem to be most likely; to question all the first, as it could be a difficult thing to mistake the name of an Indian Creek or River in the Indian Country. The commissioners by their parenthesis give sufficient indication that they had inquiring and doubt about the name "Akron". or they were aware, at the moment how much uncertainty usually attended the names of Indian creeks, in a language to us unknown and in some cases almost unutterable and that it was necessary to refer to places which were better or perfectly known. Should there be any mistake about the name "Akron" there could not be much probable mistake about the first considerable stream above the Cuyahoga and County Town. If the town was notorious as "the first considerable stream" above them, could be ascertained by the inspection and common sense of the parties concerned. If there were any mistake therefore in the name of the creek intended, the part of the articles designed specially to prevent mistake as to the intention, would afford an easy and ample remedy. But did the commissioners contemplate, that the point where the divisional line was to commence for Nickajack was above the Cuyahoga and County Town. It would seem that it must be so for it is unconceivable, that a most palpable error should have been admitted into that part of the article which was intended to prevent mistake therein, and to which the attention of the commissioners have been particularly

draw. It is true, an error of construction, a doubt resulting from verbal criticism, in such a case might possibly, though not probably have arisen but it does violence to common belief, that they should have done the very contrary of expressing their own intention, in a part which they designed to prevent misconception or uncertainty. It is believed that there was a mistake of the Creek intended and this belief is supported by the peculiar structure of the article, the knowledge to be supposed of the country proposed by the Commissioners, and the moral certainty of an intellectual being engaged in forming such a Compact. The Creek was miscalled, or the draw thereof is wrong in its whole import. But should there be a "great bend"* above the mouth of the Creek now known by the name of "Uchee", and which contradicting the articles, is below the towns spoken of, does the circumstance of a "great bend" there establish the identity of the Creek referred to in the articles. It would seem not, for the bend does not appear to be spoken of by way of eminence and contradistinction by a common appellation the "great bend" from all the bends of the River. This is shewn by the qualifying words "next above" implying that it was the first large or "great bend" above the Creek, although there might be many large bends in the Chattahoochee both above and below, and although there was no bend of the Chattahoochee contradistinguished from all others by the known and established name of the "great bend." The orthography of the article which appears to be extremely accurate, as might well be expected from the learning of those who drew them, affords no evidence, but the contrary, that "the great bend" was not mentioned as a common appellation and was left to be established by a cautious reference to other noted places. If it to be ascertained by the Creek, and the Creek to be established by the towns. I consider the "great bend" mentioned in the articles as a large sinuation in the river to be sought, the "next above" the first considerable stream above the Cusseta & Coweta towns, and where that bend may be found (for the article gives no indication how far above the Creek the next above) the draft should commence for the Creek

on the Tennessee. What obvious policy might have governed these enlightened, liberal, and patriotic Commissioners. The policy of giving to the State of Georgia the ceded territory afterwards to be formed into a State, the common right to the Chattahoochee, at least as high as the falls. Thus I have imperfectly given your Excellency my views of the articles. They differ from yours because they proceed upon contrary suppositions. You consider the Ocmulgee as the governing, our account of its notoriety, and the great bend above it. I regard the Capitals & County towns and the first considerable stream above them, as the data by which this great bend is to be located. I believe there was a misnomer of the Creek; you apprehend an inaccuracy in parenthetical declaration. The one or the other is correct; the higher degree of probability must determine. I think in good policy that we ought to have at least as high as the falls, and I sincerely believe that the more probable construction of the articles gives it to us, and that the Commissioners so intended. I would scorn, as I know your Excellency does, to take an atom of right from any one of the constellation of States, to add it surreptitiously to my own. The motto I trust is, and ever should be "fiat justitia, ruat coelum". I entirely concur in the generous opinions of your Excellency, that such a description of all the territory should be brought to the enquiry as to make all obscurity but real one to vanish" and provide an equitable settlement upon of these. The line commissioners of this State will appear at the Chattahoochee, in the determined character of men claiming a line of limits, which they once thought to be their own, but to which a recent guaranty has been given to others. This guaranty, I confess, is to me at once a subject of perplexity & surprise. The Indian title to the land lies not seem to need confirmation; it had always been acknowledged by the United States extinguished by purchase, and the owners of it treated as independent. It might have subsisted for them in this respect, to have remained under their former good title. It can not be to secure the integrity of their dominions. This would not be consistent with the stipulation made with Georgia that the territory thus ceded shall form a State and as such be admitted into the union, or that which provides that it shall be a common fund for the united States Georgia included or that last and perhaps least, which assigns limits to the State

Alabama, and which includes this independent Dominion thus guaranteed by the U States. you will receive my apology for the length of this letter.

wishing your Excellency much health, prosperity and usefulness, I have the honor to be with sentiments of the highest respect and consideration,

Your Excellency's
most Obt Servant.

His Excellency. Geo. M. Troup.
Milledgeville. Geo.

John Murphy

Executive Department
Tuscaloosa July 15th 1826

State of Alabama.

Be it known to all whom it may concern, that in pursuance of a Resolution of the General Assembly of this State passed at the last Session a copy of which is hereto annexed, I have appointed Col Marmaduke Williams and Major John D. Terrell Commissioners on the part of this State to settle the accounts remaining unsettled between this State and the State of Mississippi, and that they are entitled to full faith power, and credit in their said capacity as Commissioners.

In Testimony of which I
John Murphy.

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Executive Department. Tuskaloosa
July 15th 1826.

The commissioners appointed on the part of this State to adjust unsettled accounts with the State of Mississippi

Gentlemen.

It is scarcely necessary to make any remarks on the subject of the Public duty confided to you. You will readily perceive the principle which ought to govern the adjustment you are authorised to make and which the justice and liberality of the parties acting in behalf of both States will fail no temptation to overlook or subvert. It is due to ourselves and others that we should be just and liberal; and if there should be a trivial variance of opinion, that the remedy should be sought in that spirit of harmony, compromise and mutual concession which ought to characterize the intercourse of sister and contiminous States. We should not forget that a few annual revolutions ago we were one political people, and are separated only for mutual convenience

The section of the Act of Congress passed the day of affords the principle on which we are required to make the settlement. The money remains in the treasury at the close of the convention Assembly to effect the separation should it be found expedient to be decided according to the sums contributed by each. The question arises what limit of time shall be given to this contribution. Shall it extend to the commencement of our affairs, or shall it only include the last stated effort to provide for the exigencies of our common affairs. This last I should think would be clearly the most reasonable. Many of the counties falling within the limits of the Territory of Alabama had neither population to contribute or occasion for expenditure, according to their growth and their means they were required to contribute their equal portion. The aggregate amounts were continually expended for the common benefit. But when the last equal contribution was made and

separation was deemed expedient, there should
& might remain of our common funds, according
to the portion which each had contributed to that
fund. This would seem to be in perfect conformity to
every principal of reason and of Justice. Our common
affairs, our common contributions & expenditures had
come to a close. We had agreed to separate
& what remained in our hands in common contributed
to divide in proportion as we had contributed.
It will not escape notice that in the U States
the contributions and expenditures are made
to bear as much as possible in periods of fiscal
years, corresponding in duration of time to the
natural year. It would seem to be just and such
appears to have been the contemplation of the
act of Congress, that debt outstanding be left
to the respective parties as they should happen
to be found among them, or at least that a case
omitted in the Act should this happen from acci
dental Causes have an unequal effect, it would
be just to make the necessary allowance. This leads
me to give another view of the subject, which if it
be not conformable to the letter of the act, certainly
preserves the spirit & intention of it. The value of
a public treasury at any time consists in the
money realized & actually paid in, and the debts
due to it, over and above any demands upon
it which remain unpaid. A division of the money
in such a case, according to the intention of the
Act of Congress, would proceed on the Nett amount
(the debts being paid) according to the proportion
contributed by each, and in this case an equitable
allowance should be made when the debts arise from
any public object in the interest and prosecu
tion steps of its progress, and which would remain
for the exclusive benefit from the parties. The debts
outstanding, when realized should be divided in the
same proportion as aforementioned. Either of these
rules with such modification as particular cir
cumstances might require would do simple justice to
both parties and carry into complete effect the
act of Congress which must regulate this settlement
And then you will indulge me to condense and
recapitulate. I regard the last stated and regular
contribution to the Treasury by each as the amount
which ought to be the proportion which they are en-

titled to receive. That the money remaining in the Treasury at a certain time specified in the act should be divided according to the aforesaid proportion (equitable allowance being made for debts due for Public service for the present & permanent benefit of each) and that each should receive it's own outstanding debt with proper allowance also for accidental circumstances, or that the money actually in the Treasury with the same equitable restriction and modification should be divided in the aforesaid proportion, and that the outstanding debt should in like manner be divided whenever realized. It may be necessary to mention the mention the very obvious reason upon which the first proportion is founded. The transactions of the Treasury are annually closed by money paid in on debts outstanding. The outstanding debts of one year upon the cash of the following or some future year, or continues unrealized or is finally lost. And this reminds me to speak of difficulty which occurred I believe in former attempts to settle their accounts. It appears that the last contribution was not assumed as regulating the rate of division and indemnities which had happened in the common management of the finances was changed to the proportion quarter.

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Executive Department
December 15th 1826

Major James L. Carroll & Thomas Brandon Esquires
Gentlemen.

You are hereby authorised to receive from Capt John K Lewis fifty two Stands of Public Arms and from Capt William Kirkland forty nine Stands which were delivered to them in good order as appears from their Bonds for the safe keeping and delivery of the same deposited in this Office. When you receive the aforesaid Arms you will have them kept in good order, in some safe and convenient place, subject to the further orders of this Department.

I am Gentlemen
Very Respectfully
Your Obt Servt
John Murphy.

Executive Department
Decr 18th 1826

Sir.

I have authorized Major Carroll and Thomas Brandon Esquires to receive from you fifty two Stands of the Public Arms for the safe delivery of which you have deposited your Bond in this Office dated the 7th day of March 1822. As I have understood that you do not now command the Company or that the Company has been disbanded, I deem it expedient to know the situation of the Arms. It is not intended to withdraw the Arms from that part of the State, or perhaps from the Companies which may now use them, but to have them collected for inspection, and distributed them again as expediency may require. You are therefore hereby required to deliver the Arms to the aforesaid Gentlemen as soon as your convenience will permit, and be pleased to give me any information on the subject.

I am very respectfully
Your Obt Servt
John Murphy.

Capt
John K Lewis
Huntsville.

Same as the foregoing to Capt Wm Kirkland.

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Executive Department
Alabama. January 1st 1827.

Sir, I have the honour to enclose to your Excellency a duly authenticated Copy of an indictment for Murder found in Monroe County in this State against Thomas Flint Benjamin O'Neal otherwise called Douglas O'Neal, Angus Morrison & Daniel Morrison — The murder is charged to have been committed on a certain Phelps (Felps) Rice, who was demanded by the Executive of the State of Mississippi as a fugitive from justice, and who was killed in the execution of a precept issued from this Department to the Sheriff of Monroe County aforesaid to apprehend them & deliver them over to the Agent appointed to receive them by the Executive of the State of Mississippi, which agent was the said Daniel Morrison included in the bill of indictment. It is believed that Angus Morrison is in Greene County in the State of Mississippi. It becomes my duty in pursuance of the Act of Congress passed the 12th day of February 1793 entitled an act respecting fugitives from justice and persons escaping from the service of their masters, to demand of your Excellency to cause the apprehension of the said Angus Morrison supposed to be in Greene County in the State of Mississippi as a friend, and each & every of the others named in the bill of indictment. Should it come to the knowledge of your Excellency that they are to be found within the limits of the State. When I receive information from your Excellency that any of the Parties charged in the Indictment have been apprehended and secured in any part of the State over which you preside, I will send on an Agent duly empowered & accredited to receive them as fugitives from justice and to convey them to this State to answer for the crime with the Commission of which they are charged.

Given under my hand & the Seal of the State, at Tuscaloosa this 1st day of January, in the year of our Lord 1827, and the fifty first of the independence of the United States of America

By the Governor — John Murphy
James I Thornton, Secy of State.

His Excellency
The Governor of
Mississippi

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Executive Department
Alabama. January 1st 1827.

Sir,

I have the honour to enclose to your Excellency a duly authenticated copy of a bill of indictment found in Montgomery County in this State against a certain David Lofton for the murder of a certain John West. The said David Lofton has fled from the justice of this State, & reported to have resided in Texas, and that he designs or will be forced by his evil practices to remove from Texas to some other place, & may settle in the State of Louisiana as the place most adjacent to his present residence & remote from the place where he committed the atrocious crime with which he is charged. These presents are placed in the hands of John B West, the son of John West, who was killed as stated in the Indictment, & should he discover where the said David Lofton resides in the State of Louisiana, he will wait on your Excellency, and by affidavit as to the place of residence of the said David Lofton your Excellency will be pleased to consider as part of the documents which I have the honour to transmit you. It becomes my duty in pursuance of the Act of Congress passed the 12th day of February 1793 respecting fugitives from justice &c, to demand of your Excellency to cause the apprehension of the said David Lofton, if it should come to the knowledge of your Excellency that he resides within the limits of the State over which you preside. Should you receive information that the said David Lofton is apprehended & secured, I will send on an Agent to receive him, duly accredited & empowered to convey the said David Lofton to this State to answer for the crime with the commission of which he is charged.

Given under my hand & seal of the State at Tuscaloosa this 2d day of January 1827 & of the Independence of the United States of America the fifty first.

John Murphy.

By the Governor
James S Thornton
Secretary of State

The Governor of Louisiana

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Wm. John B Nash
Claiborne County
Mississippi.

Executive Department Alabama
January 2d 1827

Dear Sir

I enclose to you a demand on the Governor of Louisiana for David Lofton the murderer or manslayer of your father. Should you find that Lofton is in the state you will go to the Governor with the demand which I enclose you, and give the Governor information of the place where Lofton may be, or be supposed to be, and the Governor on the demand will give orders to have him apprehended & secured. I will then appoint you Agent to receive him & convey him to this State. The demand you had better keep until you can hear of Lofton.

I am very respectfully
Your Ob. Ser.
John Murphy.

Executive Department Alabama
January 3d 1827.

Sir

I have the honor to acknowledge your favor dated the 2d December 1826 giving an account of the sum of five thousand and eighty six dollars 39/100 which has accrued in this State from the 1st January to the 30th June 1826, from the three per Cent allowed by the United States on the nett amount of Sales of Land in this State. I beg leave to request that a Check draft or order for the above mentioned sum may be sent to the Treasurer of this State (who is authorized by law to receipt for the same) on the Mobile Bank, the Tombeckbe Bank, the Branch of the United States Bank at Mobile, the Land Office at this place or any other way Convenient to the Treasury of the United States.

I am very respectfully
Your Ob. Ser.
John Murphy

George Graham Esq.
Comm. Genl Land Office

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Executive Department
Tuskaloosa Jan 10th 1827

Dear Sir

I enclose you a certified copy of the Act of the General Assembly of this State passed at the present Session, entitled an act to repeal in part an act passed at St Stephens July 10th 1818 incorporating the St Stephens Steam Boat Company. As Solicitor of the 1st Judicial Circuit, you are hereby authorized to proceed against the Company, on the provisions of this Act, or file an information in the nature of a Quo Warranto against them, or resort to both remedies if practicable, so that there may be a speedy adjudication of any question which the company may be disposed to make as the 1st Section of the Act may be questionable, and at any rate may not fall fully to the decision of the Banking powers of the company. You will not abandon the remedy by Quo Warranto.

The Extra Session of the Circuit Court of Mobile County will give you an early opportunity to attend to this public business I give you the earliest notice of information that no time may be lost, and that you may have time to prepare for prosecuting the rights of the State.

I am very respectfully
Your Obt Servt
John Murphy.

John Elliott Esquire
Sol 1st Judl Circuit
Mobile.

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Executive Department
Tuskaloosa Jany 13th 1825

Dear Sir.

The General Assembly at the present Session has reduced the price of the digest of the laws of the State to two dollars and fifty cents. I am directed by the Act to give you this information, and you are required to advertise immediately at the Court House, this reduction of price. You will therefore hereafter Sell the digest at two dollars and fifty cents.

Thos Herndon, Esqr &
Greene County.

I am very respectfully
Your Obt Servt
James S. Thornton

The same as above to each agent in the several counties in the State.

Executive Department
Tuscaloosa January 16th 1825

Gentlemen

I have the honor to transmit you copies of various acts Memorials and resolutions passed by the General Assembly of this State at their late Session which has just closed.

I cannot deny myself the pleasure as has been the Custom, and perhaps indeed may be the duty of the Executive to make a few passing remarks on the various subjects which they embrace. The Coosawda Navigation Company and the Alabama and Tennessee Canal Company have received Charters of incorporation to effect their respective objects of internal improvement. One of the stipulations which we accepted when we formed a State Government and were admitted into the Union of the States, is, "That all navigable waters within the said State shall forever remain public Highways free to the Citizens of said State and of the United States without any tax duty impost or toll therefor imposed by the said State." The General Assembly, as you will perceive by the Acts have thought it necessary to obtain the Sanction of Congress for these and similar internal improvements which the State may find it necessary now and hereafter to make.

Although I was not convinced of the correctness of this opinion, the late decision of the Supreme which would make a revision inconvenient and as their might be doubts in regard to a just construction of the stipulation itself, I forebore to bring the subject

to the view of the General Assembly and approved the Bills. After all it can only be a matter of Supererogation a measure of Scrupulous and abundant caution. The Government of the United States cannot wish to control one judgment as to what improvements of navigation we may think proper to make for the convenience and benefit of our Citizens. We ought unquestionably to have the right to Consult direct and Control their interests at least and it will be sufficient for the Citizens of the United States if they be placed on the same footing with our own. But the reality is, that these navigation Companies are incorporated because the waters on which they are authorized to operate are not "navigable waters." They are incorporated to make "Highways" where there are not and cannot be "Highways" without improvement.

The "tax, toll impost or duty" are authorized that the necessary improvement may be made and that navigable waters and Highways may be found where nature has not furnished any. You will have the goodness to use Your exertions to Carry into effect the views of the General Assembly. This can be done by obtaining An act giving the Consent of the Congress of the U.S. or an act giving Consent in these instances and Containing a declaration that such Consent in Similar Cases is unnecessary.

This last if practicable, I beg leave to Suggest would be the better and more Convenient course. These hints are rather private than official, and are by no means intended to Conflict with, but to effectuate the views of the General Assembly.

The Sale and investment of proceeds of the 16th Sections, in Some safe, Convenient and profitable way, which the State can provide would greatly subserve the objects to promote which the donation was given. The Sale of the Public Lands, upon Some System which best experience will Suggest, I am well Assured will engage Your anxious attention. The State is greatly interested in the arrangements which may be made in regard to Lands which the people have been forced to relinquish in consequence of purchase at too high a rate, and the unusual pressure of the times; This interest will not escape Your patriotic Concern.

The Memorial in behalf of the Academy at La Grange I beg leave to Commend to Your particular attention. It is Situated in a fine, Commanding and healthy Situation on the brow of the mountain which overlooks the Tennessee Valley. The Village must Continue to be, as it already is, the resort of the intelligent and wealthy planters who occupy the rich and beautiful Valley which lies in full view from the Eminence. They have already manifested great public Spirit and a most liberal and devoted attention to the education of the rising age. The Academy must from its Situation and Local advantages prove an elementary Seminary of no ordinary distinction and importance. The public encouragement

which is solicited, would give a great impulse when there is already so much laudable interest displayed in this important Concern. I hope the Companies which have been incorporated to extend the internal resources of the Country will realize to the community the full extent of reasonable expectation. I hope therefore that you will be able to obtain for them and the State the privileges, rights, and immunities which they ask for. It will be quite unnecessary to speak of each subject separately; they are believed by this State to be important to its interests, and will if conceded receive the full benefit of your able and patriotic exertions.

I have the Honor to be
Most respectfully
Your obt. Serv.t
John Murphy

The Hon: Wm. McKinley
&
The Hon: John A. McKinley

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Department of State
Tuscaloosa July 24th 1825

Sir:

I have the honor to transmit upon herewith, pursuant to an act of the Legislature of Alabama, four copies of the Acts passed at the last session of the General Assembly of this State.

I have also the honor to acknowledge the receipt of Laws and Documents of the last session of Congress.

I am the honor to be
Very respectfully
your obt servt
James I. Thornton
Sec of State

The Honble Henry Clay.

Department of State
Tuscaloosa (Ala) July 24. 1825

Sir:

Pursuant to a law of this State, I have the honor to transmit to your Excellency three copies of the Acts of the General Assembly, passed at the November session 1825. It is further made my duty to solicit in exchange the laws of the State over which you preside. Permit me to request that you acknowledge the receipt of these copies as soon as may be convenient.

I have the honor to be
Very respectfully
your obt Servt
James I. Thornton
Sec of State

His Excellency the Govr of Virginia.

☞ Same as the foregoing to the Governor of each State in the Union.